

**OFFICE OF THE FEDERAL DEFENDER
EASTERN DISTRICT OF CALIFORNIA
801 I STREET, 3rd FLOOR
SACRAMENTO, CALIFORNIA 95814
(916) 498-5700 Fax: (916) 498-5710**

*Daniel J. Broderick
Federal Defender*

*Linda Harter
Chief Assistant Defender*

November 16, 2006

FILED

NOV 27 2006

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEPUTY CLERK

Ms. Krista Hart
Attorney at Law
428 J Street, #350
Sacramento, CA 98514

Re: **Davis v. Silva**
Civ.S-04-236-GEB/KJM

Dear Ms. Hart:

This will confirm your appointment as counsel by the Honorable Kimberly J. Mueller, U.S. Magistrate Judge, to represent the above-named appellant. You are attorney of record until such time as you are relieved or other action is taken to appoint a different attorney.

Enclosed is CJA 20 form, your Order of Appointment and Voucher for services rendered. Also enclosed is an instruction sheet discussing the use of the forms, together with sample forms for reporting court time. This will also provide a uniformity in the way attorneys report their time and services rendered.

If we may be of any further assistance regarding the processing of the enclosed form, preparation of form CJA 21 for expert services, or in reference to any other matter pertaining to this case, please feel free to call upon us at any time.

Very truly yours,

**CYNTHIA L. COMPTON
CJA Panel Administrator**

:clc
Enclosures

cc: Clerk's Office
Ninth Circuit Court of Appeals

CJA 20 APPOINTMENT OF AND AUTHORITY TO PAY COURT APPOINTED COUNSEL

1. CJA/DIST./DIV. CODE 09C		2. PERSON REPRESENTED Davis, Michael		VOUCHER NUMBER	
3. MAIL DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER Civ.S-04-236-GEB/KJM		5. APPEALS DKT./DEF. NUMBER	
7. IN CASE/MATTER OF (Case Name) Davis v. Silva		8. PAYMENT CATEGORY Appeal		9. TYPE PERSON REPRESENTED Appellant	
				10. REPRESENTATION TYPE CA	
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) If more than one offense, list (up to five) major offenses charged, according to severity of offense. Habeas Appeal					
12. ATTORNEY'S NAME (First Name, M.I., Last Name, including any suffix) AND MAILING ADDRESS Krista Hart, Esq. 428 J Street, #350 Sacramento, CA 95814 Telephone Number: (916) 730-5606			13. COURT ORDER <input type="checkbox"/> A Appointing Counsel <input type="checkbox"/> C Co-Counsel <input type="checkbox"/> F State For Federal Indefinite <input type="checkbox"/> R State For Retained Attorney <input type="checkbox"/> P State For Private Attorney <input type="checkbox"/> Y Standby Counsel Prior Attorney's Name: _____ Appointment Date: _____ <input type="checkbox"/> Because the above-named person represented has testified under oath or has otherwise satisfied this court that he or she (1) is financially unable to supply counsel and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney whose name appears in Item 12 is appointed to represent this person in this case, or <input type="checkbox"/> Other (See Attachment) _____ Signed by: <u>[Signature]</u> _____ Date of Order: <u>11/27/06</u> _____ Issued by: _____ Appointment or partial appointment ordered from the person represented for this service at time of appointment: <input type="checkbox"/> YES <input type="checkbox"/> NO		
14. NAME AND MAILING ADDRESS OF LAW FIRM (only provide per instruction)					

CATEGORIES (Attach description of services with dates)		HOURLY CLAIMED	TOTAL AMOUNT CLAIMED	MATH/TECH ADJUSTED HOURS	MATH/TECH ADJUSTED AMOUNT	ADDITIONAL REVIEW
IN COURT	a. Arraignment and/or Pleadings					
	b. Bail and Detention Hearings					
	c. Motion Hearings					
	d. Trial					
	e. Sentencing Hearings					
	f. Revocation Hearings					
	g. Appeals Court					
	h. Other (Specify on additional sheets)					
(Rate per hour = \$ 92) TOTAL:						
OUT OF COURT	a. Interviews and Conferences					
	b. Obtaining and reviewing records					
	c. Legal research and brief writing					
	d. Travel time					
	e. Investigative and Other work (Specify on additional sheets)					
(Rate per hour = \$ 92) TOTAL:						
17.	Travel Expenses (lodging, parking, meals, mileage, etc.)					
18.	Other Expenses (other than expert, transcripts, etc.)					

19. CERTIFICATION OF ATTORNEY/PAYER FOR THE PERIOD OF SERVICE FROM _____ TO _____		20. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION		21. CASE DISPOSITION	
22. CLAIM STATUS <input type="checkbox"/> Final Payment <input type="checkbox"/> Interim Payment Number _____ <input type="checkbox"/> Supplemental Payment Have you previously applied to the court for compensation and/or reimbursement for this case? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, were you paid? <input type="checkbox"/> YES <input type="checkbox"/> NO Other than from the court, have you, or to your knowledge has anyone else, received payment (compensation or anything of value) from any other source in connection with this representation? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, give details on additional sheets. I swear or affirm the truth or correctness of the above statements. Signature of Attorney: _____ Date: _____					

23. IN COURT COMP.	24. OUT OF COURT COMP.	25. TRAVEL EXPENSES	26. OTHER EXPENSES	27. TOTAL AMT. APPEL/CERT
28. SIGNATURE OF THE PRESIDING JUDICIAL OFFICER			DATE	29a. JUDGE / MAG. JUDGE CODE
29. IN COURT COMP.	30. OUT OF COURT COMP.	31. TRAVEL EXPENSES	32. OTHER EXPENSES	33. TOTAL AMT. APPROVED
34. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE) Paymaster Approved in terms of the statutory threshold amounts.			DATE	34a. JUDGE CODE

FILED

OCT 23 2006

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON
CLERK, U.S. COURT OF APPEALS

MICHAEL DAVIS,

Petitioner - Appellant,

v.

J. SILVA,

Respondent - Appellee.

No. 05-16821

D.C. No. CV-04-00236-GEB/KJM
Eastern California,
(Sacramento)

ORDER

Before: T.G. NELSON, W. FLETCHER, and RAWLINSON, Circuit Judges.

This appeal shall be removed from the screening calendar and reassigned to a new panel for consideration of the merits of the appeal.

Based on our review of the record, we have determined that the appointment of counsel in this habeas corpus appeal would benefit the court's review. *See* 18 U.S.C. § 3006A(a)(2)(B). By this order we express no opinion as to the merits of this appeal. Counsel will be appointed by separate order.

The Clerk shall serve a copy of this order on Daniel Broderick, Federal Public Defender, 801 I Street, 3rd Floor, Sacramento, California 95814, who will locate appointed counsel. The district court shall provide the Clerk of this court with the name and address of appointed counsel by facsimile transmission (FAX: (415) 556-6228) within 14 days of locating counsel.

New counsel shall prepare supplemental briefing that will be submitted, along with briefs already filed in this case, to the merits panel. The supplemental opening brief and excerpts of record are due January 3, 2007; the supplemental answering brief is due February 5, 2007; and the optional supplemental reply brief is due within 14 days after service of the answering brief.

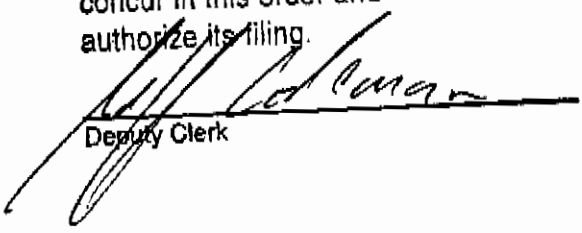
MEMORANDUM TO CLERK

Pursuant to General Order

No. 6.9, I certify that

Judges TGN; WAF; JBR

concur in this order and
authorize its filing.


Deputy Clerk